

REMARKS

Introduction

As in the previous response, the Applicant wishes to point out that the Examiner has not indicated consideration of the references listed on the Information Disclosure Statement submitted November 21, 2001. The Examiner is respectfully asked to consider the submitted references, note the consideration on the form 1449, and provide the Applicant with a copy of the Form 1449 with the notations of consideration thereon.

§102 Rejections

Claims 21-23, 25, 31, 33-34, 36-38, and 41-43 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,853,692 to Wolk et al. (hereinafter "Wolk"). Wolk discloses an infant security system. The system of Wolk includes an RF transmitting device worn around the leg or ankle of an infant. An associated receiver is placed on a bassinet cart that holds the infant. Every few seconds the RF transmitter transmits a coded RF pulse. If the infant and the transmitter are separated from the receiver either by distance or by an RF shielding object, the RF receiver does not receive the RF signal and an alarm is triggered. Also, if the transmitter is detached or tampered with, a switch on the transmitter is opened which in turn causes the RF transmitter to emit a second coded signal. Upon detection of the second coded signal, an alarm in the RF receiver will be triggered.

1. Claim 21

Claim 21 requires and Wolk fails to disclose "electronically [associating] the first transmitter with the transceiver module by generating a first stored ID in a memory." Wolk fails to teach receiving a transmitter ID from a transmitter and associating that transmitter with the transceiver. Furthermore, the Examiner's rejection fails to discuss this limitation and fails to point out where such limitation is believed to be taught. The passages cited by the Examiner discuss receiving a maintenance signal and a tamper signal. These signals are not ID signals and do not associate a transmitter with a transceiver. Furthermore, the passages cited by the Examiner fail to teach an ID signal. Accordingly, claim 21 is believed to be in condition for allowance. Such allowance is respectfully requested.

2. Claim 22

Similarly to claim 21, claim 22 requires and Wolk fails to disclose "electronically [associating] the first transmitter with the transceiver module by generating a first stored ID in a memory." Furthermore, claim 22 requires "the transceiver module indicates an alarm condition by comparing the first ID to the stored ID." The Examiner

stated that this limitation was met by stating that the receiver “[triggers] an alarm when a coded tamper signal transmitted by a transmitting module (7) corresponds to a stored tamper code in a tamper channel of the receiver.” Tamper signals (Ta) are not ID signals. Furthermore, an alarm condition is not indicated in Wolk by comparing the ID of a transmitter to a stored transmitter ID. Accordingly, claim 22 is believed to be in condition for allowance. Such allowance is respectfully requested.

3. Claim 23

Claim 23 depends from claim 22. In that claim 22 is believed to be in condition for allowance, claim 23 is also believed to be allowable. Additionally, Wolk fails to teach or disclose that “the alarm condition occurs when the first ID does not match the first stored ID.” The Examiner has stated that such a limitation is inherent in Wolk because any detected irregularity by the receiver “whether caused by tamper, distance, prolonged interference from other signals, non-reception of a signal within a period of time, etc. would have been construed as an alarm situation.” It is specifically noted that all the conditions listed by the Examiner were specifically discussed by Wolk, and none of the listed conditions caused the receiver to create an alarm when a first ID does not match a first stored ID. In Wolk, tampering with the transmitter activates the tamper signal. Receiving the tamper signal does not cause an alarm condition by noting that a first ID does not match a first stored ID. Distance, prolonged interference, and non-reception of a signal all cause alarms because the maintenance signal is not received by the receiver. Again, failure to receive a maintenance signal does not cause an alarm condition by noting that a first ID does not match a first stored ID. Wolk fails to disclose comparing a first ID to a stored ID. The “coded signal” of Wolk is not described as an identification signal. Accordingly, claim 23 is believed to be in condition for allowance. Such allowance is respectfully requested.

4. Claim 25

Similarly to claims 21-23, claim 25 requires and Wolk fails to teach “receiving the first ID to electronically associate the first transmitter with the transceiver module by generating a first stored ID in a memory.” Additionally, claim 25 requires “the first ID [to have] an associated energy level, the transceiver module indicating an alarm condition by comparing the energy level to a threshold value.” Wolk fails to teach setting a threshold value, fails to teach measuring an energy level of a signal, and fails to teach comparing the measured energy level to a threshold value. In making the rejection, the Examiner cited Wolk col. 6, lines 45-54. The cited passage states that if the maintenance signal is not received due to transmitter damage, due to having the transmitter out of range and thus too weak to be

detected, or any other reason, then an alarm is triggered. Thus, the alarm is triggered due to the absence of the maintenance signal. The cited passage does not describe measuring signal strength, having a threshold value, or comparing a measured signal strength to a threshold value. Accordingly, claim 25 is believed to be in condition for allowance. Such allowance is respectfully requested.

5. Claim 31

Similarly to claims 21-23 and 25, claim 31 requires and Wolk fails to teach “receiving the first ID to electronically associate the first transmitter with the transceiver module by generating a first stored ID in a memory.” Accordingly, claim 31 is believed to be in condition for allowance. Such allowance is respectfully requested.

6. Claim 33

Similarly to claims 21-23, 25, and 31, claim 33 requires and Wolk fails to teach “receiving the first ID to electronically associate the first transmitter with the transceiver module by generating a first stored ID in a memory.” Accordingly, claim 33 is believed to be in condition for allowance. Such allowance is respectfully requested.

7. Claim 34

Claim 34 depends from claim 33. In that claim 33 is believed to be allowable, claim 34 is also believed to be in condition for allowance. Additionally, claim 34 requires and Wolk fails to disclose “the controller determining a location of the transmitter and the locations of the transceiver modules from the messages.” In rejecting claim 34, the Examiner cited col. 9, lines 3-56 of Wolk. The cited passage fails to discuss locating the transmitter or the transceiver. Accordingly, claim 34 is believed to be in condition for allowance. Such allowance is respectfully requested.

8. Claim 36

Similarly to claims 21-23, 25, 31, and 33, claim 36 requires and Wolk fails to teach “receiving the first ID to electronically associate the first transmitter with the transceiver module by generating a first stored ID in a memory.” Accordingly, claim 36 is believed to be in condition for allowance. Such allowance is respectfully requested.

9. Claim 37

Similarly to claims 21-23, 25, 31, 33, and 36, claim 37 requires and Wolk fails to teach “receiving the first ID signal at a transceiver module; associating the first transmitter with the transceiver module by storing a first ID corresponding to the first ID signal.” Accordingly, claim 37 is believed to be in condition for allowance. Such allowance is respectfully requested.

10. Claims 38, 41, and 42

Claims 38, 41, and 42 depend from claim 37. In that claim 37 is believed to be in condition for allowance, claims 38, 41, and 42 are also believed to be allowable. Additionally, claim 38 requires “determining an energy level of the first ID signal.” In rejecting claim 38, the Examiner referenced the rejection of claim 25. As discussed with respect to a similar limitation in claim 25, Wolk fails to teach measuring an energy level of a signal. In making the rejection, the Examiner cited Wolk col. 6, lines 45-54. Such passage does not describe determining an energy level of a signal. Accordingly, claim 38 is believed to be in condition for allowance. Additionally, claim 42 requires and Wolk fails to disclose “determining the location of the first transmitter from the messages.” In rejecting claim 42, the Examiner referenced the rejection of claim 34. In rejecting claim 34, the Examiner cited col. 9, lines 3-56 of Wolk. The cited passage fails to discuss locating the transmitter. Accordingly, claim 42 is believed to be in condition for allowance. Allowance of claims 38, 41, and 42 is respectfully requested.

11. Claim 43

Claims 43 requires and Wolk fails to disclose “receiving IDs from the transmitters to associate with the transceiver module the transmitters from which IDs are received and to associate the transmitters from which IDs are received with one another by storing IDs” and “determining locations of the transmitters.” As previously discussed, Wolk fails to associate transmitters with a transceiver module by receiving IDs. Additionally, Wolk fails to teach associating multiple transmitters with each other. And, as previously discussed with respect to similar limitations in claims 42 and 34, Wolk fails to teach “determining locations of the transmitters.” Accordingly, claim 43 is believed to be in condition for allowance. Such allowance is respectfully requested.

§103 Rejections

Claims 24, 26, 27, and 35 were rejected under §103(a) as being unpatentable over Wolk. In making the rejection, the Examiner took “Official Notice that in the transponder art, use of processors for comparing IDs, comparators for comparing energy levels to threshold values; processors for determining energy level and evaluating in relation to a threshold value, and processors for determining locations of transmitters are well known and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these device into the transceiver module of Wolk.” First, claims 24, 26, 27, and 35 all depend from claims that are believed allowable as previously discussed herein. Accordingly, claims 24, 26, 27, and 35 are believed to be in condition for

allowance. Additionally, the Examiner has failed to make a prima facie case of obviousness. The Examiner has failed to provide a motivation for providing the proposed components and has failed to produce authority showing that such a combination is suggested. As the Federal Circuit has noted, "evidence of a suggestion, teaching, or motivation to combine may flow from [many sources]... The range of sources available however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular. Broad conclusory statements regarding the teaching of multiple references, standing alone are not 'evidence.'" In re Dembiczak, 175 F.3d 991, 999 (Fed. Cir. 1999). Furthermore, "'Common knowledge and common sense,' even if assumed to derive from the agency's expertise, do not substitute for authority when the law requires authority." In re Lee, 277 F.3d 1338 (Fed. Cir. 2002).

Furthermore, the motivations provided by the Examiner are not motivations found in Wolk. Wolk does not teach "comparing the first ID to the first stored ID." Wolk does not teach "comparing the energy level to the threshold value." Wolk does not teach "determining the energy level and evaluating whether the energy level is below the threshold value." Wolk does not teach "determining the locations of the transmitter and the transceiver modules." Therefore, Wolk does not suggest providing structures to perform such functions. Accordingly, claims 24, 26, 27, and 35 are believed to be in condition for allowance. Such allowance is respectfully requested.

Final Remarks

Applicant submits that claims 21-43, are in condition for allowance. Such allowance is respectfully requested.

If necessary, Applicant requests that this Amendment be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicant requests that any required fees for filing this Amendment be charged to the account of Bose McKinney & Evans LLP, Deposit Account Number 02-3223.

Respectfully submitted,

BOSE McKINNEY & EVANS



Ryan C. Barker

Registration No. 47,405

Indianapolis, Indiana
(317) 684-5000

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